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7 VIBRANT AMERICA, LLC

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

11 UNITED STATES OF AMERICA ex rel. STF,
12 LLC, an organization; STATE OF
CALIFORNIA; ex rel. STF, LLC, an
13 organization,

14 Plaintiffs,

15 vs.

16 VIBRANT AMERICA, LLC, a Delaware limited
liability company,

17 Defendants.
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Case No. 16-cv-02487-JCS

**JOINT STIPULATION AND [PROPOSED]
ORDER RE BRIEFING SCHEDULE**

Hon. Joseph C. Spero

JOINT STIPULATION

On May 9, 2016, the United States of America and the State of California filed a Complaint charging Defendant Vibrant America (“Defendant” or “Vibrant”) with alleged violations of the federal False Claims Act, the California False Claims Act and the California Insurance Protection Act. On February 14, 2020, the United States of America declined to intervene in this matter. On March 6, 2020, the State of California declined to intervene in this matter. Relator STF, LLC (“Relator”) now brings this matter against Defendant.

On March 16, 2020, Vibrant America was served with a copy of the Complaint by Relator. The Initial Case Management Conference is scheduled for April 10, 2020. Defendant anticipates filing a Motion to Dismiss to the Complaint and the parties have agreed, subject to the Court’s approval, to the below briefing schedule:

1. Defendant’s Motion to Dismiss due: May 18, 2020
2. Relator’s Opposition due: June 15, 2020
3. Defendant’s Reply due: June 29, 2020
4. Hearing: The parties suggest setting the matter for hearing on Friday, July 10, 2020, or on a date convenient to the Court and parties.

DATED: April 6, 2020

FOLEY & LARDNER LLP
 THOMAS S. BROWN
 JUDITH A. WALTZ

/s/ Thomas S. Brown
 THOMAS S. BROWN
 Attorneys for Defendant
 VIBRANT AMERICA, LLC.

DATED: April 6, 2020

COTCHETT, PITRE & MCCARTHY, LLP
 JUSTIN T. BERGER
 JOSEPH M. ALIOTO JR.
 MALLORY A. BARR

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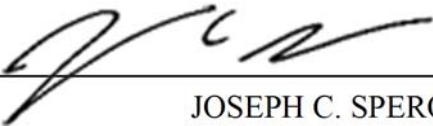
PROPOSED ORDER

Based on the stipulation of the parties, good cause exists to extend the date for Defendant's response to Complaint and the Court Orders the following briefing schedule:

1. Defendant's Motion to Dismiss is due on May 18, 2020.
2. Relator's Opposition is due on June 15, 2020.
3. Defendant's Reply is due on June 29, 2020.
4. The matter is set for hearing on Friday, **July 24, 2020, at 9:30 a.m.**

IT IS SO ORDERED AS MODIFIED.

Dated: April 7, 2020



JOSEPH C. SPERO
Chief Magistrate Judge